

REMARKS

Claims 1-43 are pending. Claims 1 and 22 are amended to clarify the computer-implemented nature of the inventions recited in those claims. Claims 23-43 are amended to provide for correct antecedent basis. No new matter has been added.

The Examiner has required restriction of the application under 35 U.S.C. § 121 between the inventions of claims 1-22, drawn to a method of incentivizing use of an exercise device, and the inventions of claims 23-43, drawn to a computer program. The applicant elects the inventions of Group I, drawn to the methods. The election is made with traverse.

The Examiner asserts that the inventions of Groups I and II are distinct because the apparatus recited in the Group II claims can be used to practice processes materially different from those recited in the Group I claims. The applicant respectfully disagrees.

Claim 23 recites a computer program product embodied on a computer-readable medium for incentivizing use of an exercise device connected to a network. The product is recited as including instructions operable to cause a programmable processor to receive over the network usage information associated with a user's operation of the exercise device, identify a usage account associated with the user for storing usage points, and increase a total of usage points stored in the usage account in response to the usage information. The applicant notes that the recited instructions correspond directly to the steps recited in amended claim 1, which recites a corresponding computer-implemented method, and that the further limitations recited in dependent claims 24-43 are directly analogous to the method steps recited in claims 2-22, which analogously depend from claim 1. The applicant submits that the instructions in claims 23-43 have no use other than to perform the methods recited in claims 1-21, and that therefore the products of claims 23-43 are not distinct from the methods recited in claims 1-21.

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Respectfully submitted,

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